IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Rahim Bux. Versus State of Rajasthan.

S.B. Criminal Revision No. 313/2006 against the order dated 6-2-2006 passed by the Judicial Magistrate, Sheoganj, district Sirohi, in Criminal Case No. 902/2005 arising out of FIR No.163/2005 Police Station, Sheoganj, district Sirohi.

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Date of Order: April 24, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Vineet Kumar Mathur, for the petitioner.
Mr. JPS Chaudhary, Public Prosecutor for the State.

BY THE COURT:

By this criminal revision under Section 397/401 of the Code of Criminal Procedure, 1973 (for short, "the Code" hereinafter), the petitioner has challenged the order dated 6-2-2006 passed by the Judicial Magistrate, Sheoganj, district Sirohi (for short, "the trial Court" hereinafter) in Criminal Case No. 902/2005 arising out of FIR No. 163/2005, Police Station, Sheoganj, district Sirohi, whereby the application filed by the petitioner under Section 457 of the Code seeking interim custody of crackers, which were seized by the police, was dismissed. Aggrieved by the order impugned, the petitioner has filed the instant criminal revision.

I have heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned.

It is contended by the learned counsel for the petitioner that the petitioner was granted licence to possess the crackers weighing 1100 kgs including wrappers and packing material. On checking, the petitioner was found in possession of crackers weighing 7844 kgs including the wrappers and packing materials etc. By the order dated 8-11-2005, the trial Court released the crackers weighing 1100 kgs on Supurdginama during pendency of the case in favour of the petitioner, however, refused to release the remaining crackers. The trial Court imposed certain conditions. Learned counsel for the petitioner

submits that the remaining crackers, which are lying in the custody of the police, are having the value of Rs. 1,30,000/-. Learned counsel submits that in a case of similar facts, this Court released the crackers vide order dated 29-3-2006 passed in S.B. Criminal Revision Petition No. 253/2006 on furnishing the bank guarantee. Learned counsel submits that the petitioner is ready to furnish bank guarantee of Rs.1,30,000/- towards the value of the crackers.

Having regard to the facts and circumstances of the case and keeping in view the fact that no useful purpose will be served in allowing the crackers to be kept in the police custody for an indefinite period, the ends of justice would be met if the crackers are given to the petitioner on Supurdginama furnishing bank guarantee of Rs. 1,30,000/-.

Consequently, the impugned order dated 6-2-2006 passed by the Judicial Magistrate, Sheoganj, district Sirohi, in Criminal Case No. 902/2005 arising out of FIR No.163/2005, Police Station, Sheoganj, district Sirohi, is set aside and it is directed that the crackers seized by the police from the petitioner, which have not been released so far on Supurdginama, may be given to the petitioner on Supurdginama provided the petitioner submits a bank guarantee of Rs. 1,30,000/- to the satisfaction of the trial Court with usual conditions which the trial Court considers fit to impose. The

revision petition is accordingly disposed of.

(H.R. PANWAR), J.

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